
**SWEETING vs. HIGHMARK, INC.
DEPOSITION OF REBECCA SWICK
November 22, 2005**

Page 1 to Page 48

**COMPRESSED TRANSCRIPT
AND
WORD INDEX
PREPARED BY:**

Quality Court Reporting

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SHEET 1 PAGE 1

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

JOY SWEETING,

Plaintiff,

-vs-

HIGHMARK, INC.,

Defendant.

Civil Action
No. 04-0368 Erie

DEPOSITION OF: REBECCA SWICK

DATE: November 22, 2005
Tuesday, 10:03 a.m.LOCATION: SCANLON & SANSONE
2300 Lawyers Building
Pittsburgh, PA 15219

TAKEN BY: Plaintiff

REPORTED BY: Beth E. Welsh
Notary Public
QCR Reference No. BW1598QUALITY
Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 3

* I N D E X *

** Pages 49 through 102 under separate cover **

Examination by Mr. Sansone	4
Continued Examination by Mr. Sansone	52
Examination by Ms. Munsch	82
Re-Examination by Mr. Sansone	87
Certificate of Court Reporter	100
Errata Sheet	101
Notice of Non-Waiver of Signature	102

* INDEX OF EXHIBITS *

Deposition Exhibit 1	27
Deposition Exhibit 2	54
Deposition Exhibit 3	67
Deposition Exhibit 4	71
Deposition Exhibit 5	71

NOTE: Deposition Exhibits 2 through 5 are being
attached to the confidential portion of the
transcript per agreement of counsel.QUALITY
Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 2

DEPOSITION OF REBECCA SWICK,
a witness, called by the Plaintiff for examination,
in accordance with the Federal Rules of Civil
Procedure, taken by and before Beth E. Welsh, a Court
Reporter and Notary Public in and for the
Commonwealth of Pennsylvania, at the offices of
SCANLON & SANSONE, 2300 Lawyers Building, Pittsburgh,
Pennsylvania, on Tuesday, November 22, 2005,
commencing at 10:03 a.m.

APPEARANCES:

FOR THE PLAINTIFF:

Joel S. Sansone, Esq.
SCANLON & SANSONE
2300 Lawyers Building
Pittsburgh, PA 15219
412-281-9194

FOR THE DEFENDANT:

Martha Hartle Munsch, Esq.
REED SMITH, LLP
435 Sixth Avenue
Pittsburgh, PA 15219
412-288-3131

ALSO PRESENT:

Carl H. Shuman, Esq.
Joy Sweeting

QUALITY
Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 4

REBECCA SWICK,
having been duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. SANSONE:

Q. Your name is Rebecca Swick; is that right?

A. S-W-I-C-K.

Q. Is it Swick?

A. Swick.

Q. Ms. Swick, where are you currently employed?

A. Highmark.

Q. In what capacity?

A. I'm a community site consultant.

Q. How old are you?

A. I'm about to be 34.

Q. How far did you go in school?

A. I'm about to get my master's degree on
December 11th.Q. On December 11th of 2005 you will get your
master's degree in what?

A. Public administration.

Q. Master's in public administration. From what
university?QUALITY
Bethel Park, PA COURT REPORTING 412-833-3434

SHEET 2 PAGE 5

PAGE 7

- 1 A. Gannon University in Erie.
 2 Q. Congratulations.
 3 A. Thank you.
 4 Q. You expect to be receiving your master's at that
 5 time. What is the highest degree that you
 6 currently hold?
 7 A. A bachelor of arts in social work from the
 8 University of Pittsburgh.
 9 Q. From Pitt, which is where I went to school.
 10 When did you receive your bachelor's from Pitt?
 11 A. That was '94.
 12 Q. When did you start working at Highmark?
 13 A. Nine years ago in February, so I don't know what
 14 year that would be, what, '98.
 15 Q. Boy, that's a tough one. Nine years ago,
 16 wouldn't that be '97?
 17 A. February will make it --
 18 JOY SWEETING: '97.
 19 BY MR. SANSONE:
 20 Q. I just looked at your personnel file, but I
 21 forget already. Let's assume it was '97 you
 22 started with Highmark.
 23 A. (Witness nodding head up and down.)
 24 Q. During your employment with Highmark have you
 25 been continuously going to school to try to get

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

- 1 at there. So you began working with Highmark in
 2 roughly 1997?
 3 A. Uh-huh.
 4 Q. In what capacity did you begin working with
 5 Highmark?
 6 A. Customer service representative in Erie.
 7 Q. Who was your immediate supervisor in that
 8 position?
 9 A. Initially it was Debra Johnson.
 10 Q. How long did she remain your immediate
 11 supervisor?
 12 A. I want to say it was probably close to two and a
 13 half years and then I switched units to Kathleen
 14 Rzdokiewicz.
 15 Q. How do you spell Rzdokiewicz?
 16 A. It's R-Z-O-D-K-I-E-W-I-C-Z.
 17 Q. Wow. Can you do that one more time?
 18 A. R-Z-O-D-K-I-E-W-I-C-Z.
 19 Q. How long did Kathleen remain your immediate
 20 supervisor?
 21 A. Maybe about a year. I think it was total about
 22 three and a half years in customer service.
 23 Q. You said something about changing units.
 24 A. Yeah, they frequently restructure up there.
 25 Q. I see. But you remained a customer service rep?

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 6

PAGE 8

- 1 your master's degree?
 2 A. Not since the very beginning, about three years
 3 ago I started.
 4 Q. You started about three years ago?
 5 A. Uh-huh.
 6 Q. In '02?
 7 A. I couldn't say for sure to tell you the truth
 8 off the top of my head.
 9 Q. Roughly three years.
 10 A. Roughly three years.
 11 Q. At that time what degree were you pursuing?
 12 A. I started with an MBA, master's in business
 13 administration, but I found that that really
 14 didn't suit me.
 15 Q. The reason I'm asking some of these questions is
 16 because the company has responded to a charge
 17 which we filed at the EEOC in this case, and one
 18 of the comments in it was this, I'll read to
 19 you, while a Highmark employee Ms. Swick
 20 completed graduate school receiving an MBA with
 21 a concentration in marketing. That statement is
 22 not accurate I take it?
 23 A. I don't know who said that, but no, obviously
 24 not.
 25 Q. Okay. That's really all I was kind of getting

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

- 1 A. Yes.
 2 Q. Just a different supervisor?
 3 A. Correct.
 4 Q. How long did you remain in this position as
 5 customer service rep?
 6 A. A total of about three and a half years.
 7 Q. Then what happened?
 8 A. Then I became the assistant at HealthPLACE.
 9 Q. By the way, I've got us somewhere around '00 or
 10 '01.
 11 A. What's that, I'm sorry?
 12 Q. I have the chronology so far as somewhere around
 13 2000 or 2001.
 14 A. I guess so. I mean I'm not the greatest with
 15 dates.
 16 Q. Oh, okay.
 17 A. I can tell you three and a half years in is when
 18 I moved to HealthPLACE.
 19 Q. Okay. What do you mean by moved to HealthPLACE,
 20 what does that mean?
 21 A. My job was transferred. I was no longer a
 22 customer service representative. I became the
 23 assistant at the Highmark HealthPLACE in Erie.
 24 Q. The assistant what?
 25 A. I'm trying to remember what the title was, just

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

SHEET 5 PAGE 17

PAGE 19

19

1 can give a -- I don't think that's a fair
2 question for me to answer. I'm not in a
3 position to judge her.
4 Q. Well, first of all, I'm not asking you about any
5 aspect of her job that you were unable to
6 observe. What you told me in your testimony was
7 that you worked with her on a daily basis side
8 by side, which gave you, in my view, a unique
9 ability to observe her conduct and while I
10 understand that it was not your job at the time
11 to rank her performance, I am now asking your
12 opinion based on what your observations were at
13 that time. So you should limit your answer to
14 only those things you were able to observe and
15 give me your impressions based on those
16 observations.

17 MS. MUNSCH: I'm assuming you're
18 including in that her observations of how she
19 interacted with others, if that is what she
20 observed?

21 MR. SANSONE: Surely. That was a big
22 part of her job, wasn't it, interaction with the
23 public?

24 BY MR. SANSONE:

25 A. Well --

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 the good? Is there any way for you to give me
2 an idea of what you thought of her overall
3 performance which was my question to you?

4 MS. MUNSCH: I'm going to object to
5 the form of that question. I don't know that
6 this witness is in a position to do that, but if
7 she has --

8 BY MR. SANSONE:

9 Q. If you have an opinion --

10 MS. MUNSCH: If she has opinions
11 about certain aspects of performance or an
12 opinion about overall, you may give it, but I
13 don't think that you can force her to sit here
14 and form that opinion --

15 MR. SANSONE: No, no -- I --

16 MS. MUNSCH: -- today.

17 BY MR. SANSONE:

18 Q. No, no, I asked you do you have an opinion based
19 upon your observations of her overall
20 performance. That was my question originally to
21 you.

22 A. Yeah, I don't feel comfortable with that. I
23 don't feel like I was in a position where I can
24 really judge that. I think there's so many
25 aspects to it, and I was in a supportive

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 18

18

1 MS. MUNSCH: Or members of -- other
2 employees.

3 MR. SANSONE: Yeah.

4 MS. MUNSCH: So if you've observed
5 that, Becca, you can give Mr. Sansone your
6 impressions of observations of interactions
7 anecdotal or otherwise.

8 BY MR. SANSONE:

9 A. Well, I have to say honestly that I don't think
10 that she had a very good relationship with most
11 of the people that we worked with.

12 Q. Do you mean within Highmark or do you mean
13 customers?

14 A. Both at times. There were a lot of arguments.
15 Yeah, I mean when individuals would come to me
16 it would frequently be because she was -- I
17 don't know. I mean I observed some rudeness and
18 some shortness. I think that in many capacities
19 she did a very good job and in others I don't
20 think that was the case.

21 Q. Do you have an ability based upon the
22 observations you've made to rank her overall
23 performance? In other words, was one aspect of
24 her performance so good that it outweighed these
25 bads in your mind or so bad that it outweighed

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 20

20

1 position where I was doing my own -- my own
2 roles, my own jobs, and there was a lot that had
3 to do with the administrator's position that I
4 really was kept separate from. So no, I really
5 don't think I can elaborate on that.

6 Q. What is or was HealthPLACE at the time that you
7 took the position there in 2000 or 2001?

8 A. What was it?

9 Q. Yes.

10 A. It was a department of Highmark that promoted
11 health and wellness programming.

12 Q. What happened to HealthPLACE?

13 A. Speakers were brought in, there were different
14 classes and programs that were run there.

15 Q. I'm sorry, what happened to the program, to the
16 department?

17 A. Ultimately?

18 Q. Yes.

19 A. It was dissolved. It was ineffective.

20 Q. I'm sorry?

21 A. It was ineffective.

22 Q. Were you working at HealthPLACE up to the time
23 of its dissolution?

24 A. Yes.

25 Q. When was that?

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

SHEET 6 PAGE 21

PAGE 23

1 A. It will be two years in February.
 2 Q. So '04, February of '04?
 3 A. Uh-huh.
 4 Q. What was your position at the time of the
 5 dissolution of HealthPLACE?
 6 A. Program assistant.
 7 Q. The same position you had taken in roughly 2000?
 8 A. Correct.
 9 Q. What happened to your employment with Highmark
 10 thereafter?
 11 A. It was transitioned to the position that I hold
 12 now.
 13 Q. That position is community site consultant?
 14 A. Correct.
 15 Q. Would you tell me, please, what are the duties
 16 and responsibilities of the community site
 17 consultant?
 18 A. Various -- in a nutshell, community site
 19 consultants are tasked with establishing and
 20 keeping on track community organizations that
 21 adopt our programming and deliver them to the
 22 community at large. It basically involves a
 23 million little tasks. It's
 24 organizational, mostly administrative. I
 25 currently work with thirteen sites, but that's

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 program.
 2 Q. Prior to this revamping that we're talking about
 3 in '04 were these programs offered through
 4 HealthPLACE?
 5 A. Like I said, not in that exact form. They were
 6 wellness courses by different names and slightly
 7 different content. The selection of wellness
 8 programming absolutely changed, but were there
 9 wellness programs available at HealthPLACE, yes,
 10 that's what they did.
 11 Q. That's what I'm asking, how similar or
 12 dissimilar were the programs that were
 13 redeveloped or retooled I guess you said from
 14 what existed at HealthPLACE?
 15 A. I don't know that I really have a way to tell
 16 you how different they are. All of the
 17 programming has been, as I said, kind of picked
 18 apart, revamped. They were pretty boring. They
 19 were much longer. For example, they were
 20 eight-week classes that people really wouldn't
 21 commit to and nobody ever signed up for them.
 22 The programs were failing the way that they were
 23 so they basically took everything apart, kept
 24 some of the good information that was core,
 25 revamped it, repackaged it, made it more

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 22

PAGE 24

1 growing.
 2 Q. Can I just stop you and break that down so I can
 3 understand it. What programs are you referring
 4 to?
 5 A. Highmark Preventive Health Services offers a
 6 number of courses right now in program to the
 7 community, including personal nutrition
 8 coaching, nutrition courses, relaxation courses,
 9 an osteoporosis prevention course, smoking
 10 cessation programming.
 11 Q. Were any of these programs available through
 12 Highmark prior to your taking this position in
 13 '04?
 14 A. Not in the form that they are now. There were a
 15 couple that existed in name, but all of the
 16 programs have been redeveloped.
 17 Q. I wasn't asking if the exact programs existed.
 18 For example, did Highmark offer a smoking
 19 cessation program prior to?
 20 A. Correct, yes.
 21 Q. Personal nutrition courses, were they offered as
 22 well?
 23 A. There was coaching available, yes. And there
 24 was a program called Eat Well for Life. They
 25 carried that name over actually and revamped the

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 accessible and more palatable. I don't know if
 2 that answers your question.
 3 Q. Somewhat. What is it exactly that you did with
 4 these programs?
 5 A. Personally?
 6 Q. Yes, in your job as community site consultant.
 7 A. Oh, what is it I do now?
 8 Q. Yes.
 9 A. Okay. Community site consultants, as I said, go
 10 out, they choose community locations, sites to
 11 deliver the program, that's the first thing. We
 12 have to decide where it is appropriate that they
 13 actually go.
 14 Q. For example?
 15 A. For example, a local YMCA, okay. We find a
 16 location based on the list of criteria, see if
 17 the staff is able to manager the programs. If
 18 so, we implement training, get everybody on
 19 board, work with a marketing program, try to get
 20 people in the door, enrolled. Every course
 21 comes with paperwork. Everything we do needs
 22 outcomes. We need to know if the programs are
 23 effective or not. There's constant re-staffing
 24 issues. It's basically baby-sitting the
 25 programs at each of these places, making sure

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

**SWEETING vs. HIGHMARK, INC.
DEPOSITION OF CYNTHIA MORI
November 22, 2005**

Page 1 to Page 40

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SHEET 7 PAGE 25

PAGE 27

1 probe her discussion.
2 MR. SANSONE: The argument that's
3 been advanced as you know is that once you've
4 made this a part of the record, you've waived
5 that privilege.

6 MS. MUNSCH: We have not waived the
7 discussions that she had with counsel in
8 connection with the preparation of the document.

9 MR. SANSONE: I believe I understand
10 your position. My point is that there's a
11 counterposition which is that once this occurs
12 you waive that and, of course, it's been the
13 subject of great debate. Well, I'll tell you
14 what --

15 MS. MUNSCH: We can --

16 MR. SANSONE: Let me ask about some
17 specific facts.

18 MS. MUNSCH: She's been instructed
19 and I can instruct on the record that she's not
20 going to disclose to you any conversations that
21 she had with counsel about the defense of or the
22 preparation of the defense of the company to
23 your client's charge and/or lawsuit.

24 MR. SANSONE: I understood that. So
25 I now understand it really.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 Q. How do you know it's not accurate now?
2 A. At Joy's deposition.
3 Q. You heard what Joy had to say about that, okay.
4 Did you do some checking after that?

5 A. I did.

6 Q. What did you do?

7 A. I went and looked at her personnel file.

8 Q. Do you know why you wrote that in there?

9 A. Honestly I don't. That was a mistake.

10 Q. Do you agree that this statement about her MBA
11 came during a series of statements about what
12 appear to be her qualifications for the
13 position? You talk about her MBA and then she
14 exceeds expectations on her reviews.

15 MS. MUNSCH: I object to the form of
16 the question. The document speaks for itself.

17 You can answer, Cindy, if you --

18 BY MR. SANSONE:

19 Q. Do you agree with me that this is apparently
20 intended to illustrate one of her qualifications
21 for the position?

22 A. No, I do not agree with that.

23 Q. What was the purpose of putting that sentence in
24 there besides what I just said?

25 A. You know what, when I wrote this I don't recall.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 26

PAGE 28

1 BY MR. SANSONE:

2 Q. I'm going to ask you about some specific factual
3 allegations that appear in this exhibit, and I'm
4 going to ask you if you recall what the source
5 of information was for that statement. The
6 first one I'd like to draw your attention to is
7 on the first page of the letter or of the
8 statement which is at the last paragraph,
9 literally the sentence begins the third line
10 from the bottom at the end of the line, it
11 begins while, and I'm going to read that to you,
12 it reads while a Highmark employee, Ms. Swick
13 completed graduate school, receiving an MBA with
14 a concentration in marketing. Did you see that
15 that I read?

16 A. I do.

17 Q. Can you tell me where you got that information?

18 A. I don't recall.

19 Q. Do you recall at least whether it was from one
20 of the two women that you talked to or from some
21 document or some source like the personnel file?

22 A. I don't remember.

23 Q. Do you know whether that statement's accurate or
24 not?

25 A. I know it's not accurate now.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 I'd have to look at what the EEOC had written
2 and asked for.

3 Q. You don't know why you wrote this in here the
4 way it is, that's your testimony?

5 A. I think I made a mistake.

6 Q. What was the mistake?

7 MS. MUNSCH: Asked and answered.

8 BY MR. SANSONE:

9 Q. I mean did you misunderstand somebody or misread
10 something or how did the mistake happen is what
11 I'm asking?

12 A. I don't know. That's what I'm trying to wonder.

13 Q. You said I think I made a mistake. What was
14 your mistake is what I'm asking?

15 A. That Ms. Swick did not have an MBA, she was
16 working towards it, but did not have it
17 completed.

18 Q. I understand that, but why are you saying that
19 was your mistake, maybe somebody told you that?
20 How is it your mistake is what I'm asking?

21 A. When I went back and looked there was nothing in
22 her personnel file, and that's where I would
23 have obtained that information.

24 Q. So you should have verified through her
25 personnel file whether that was accurate or not,

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

SHEET 8 PAGE 29

PAGE 31

1 is that it?

2 MS. MUNSCH: I object to the form of

3 the question. That's not what she said. She's

4 not telling you that somebody told her that and

5 that she failed to corroborate it in the file.

6 She's saying she doesn't remember where she got

7 that.

8 BY MR. SANSONE:

9 Q. Well, did you look at her personnel file in

10 connection with making up this answer?

11 A. I did.

12 Q. Would you have looked in the place in the

13 personnel file where it would have said what her

14 degree was?

15 A. I can't remember if I did that.

16 Q. Was that something you would have done based on

17 the way you handle things?

18 A. Yes.

19 Q. Well, did you have a copy of the job

20 description, the position that's being discussed

21 here that Ms. Swick was given and my client

22 wasn't considered for, this community site

23 consultant? Did you have that at the time of

24 the job description?

25 A. I had that when I was writing the position

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 Q. You would have known that the job description --

2 in the job description it indicated that a

3 master's degree was preferred for this position?

4 A. That's correct.

5 Q. Was an MBA one of the master's degrees that was

6 a preferred degree?

7 MS. MUNSCH: You're asking her to

8 refer to the position description because that

9 would be the only source of her knowledge.

10 BY MR. SANSONE:

11 A. A master's degree in business, health

12 administration or health promotion is preferred.

13 Q. So where it says here that an MBA -- that she

14 received an MBA with a concentration in

15 marketing, that would be one of those preferred

16 master's that the job description listed; right?

17 A. It doesn't ask for that.

18 Q. Doesn't it say master's in business, MBA,

19 master's in business?

20 A. It does.

21 Q. Okay. So this sentence here would have made

22 Ms. Swick, at least as to her degree, look

23 pretty qualified for the position, she had the

24 preferred degree for the position; right?

25 A. Ask me that again.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 30

PAGE 32

1 statement. I used that as an exhibit.

2 Q. Right. So you knew that the position

3 description said that a master's degree was

4 preferred, did you not?

5 A. I don't remember that.

6 Q. We actually have it here. Let me see if I can

7 pull it out, and we'll look at it (reviewing

8 documents). Here it is. This is Swick

9 Deposition Exhibit 1. We talked to Ms. Swick

10 about this. I'll show you Page 2 under minimum

11 qualifications. Do you see that part about the

12 preferred part?

13 - - - -

14 (The witness reviewed the document.)

15 - - - -

16 BY MR. SANSONE:

17 Q. Did you see where I'm talking about?

18 A. Yes, I do.

19 Q. At the time that you wrote this position

20 statement you would have known that the master's

21 degree was a preferred degree for that position,

22 would you not?

23 A. I did not write this job description.

24 Q. No, I said at the time you wrote this statement.

25 A. Oh, statement.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 Q. This statement that appears in the position

2 statement would have made Ms. Swick look pretty

3 well qualified at least as to her education to

4 hold the position she was given, wouldn't it?

5 A. That's not what I was trying to do there.

6 Q. Well, wait a minute, I thought -- well, what

7 were you trying to do?

8 A. Just list what her educational background was.

9 Q. Why?

10 A. And I mistakenly put she had an MBA instead of

11 working on an MBA.

12 Q. But why did you feel it was important to list

13 her educational background, what was that

14 relevant to? The paragraph is about this

15 community site consultant, that's what the

16 subject or sentence there talks about.

17 A. I can't recall the questions that were in the

18 EEOC charge. It might have been related to

19 that.

20 Q. Well, you just told me that you didn't put this

21 in here to make Ms. Swick look, you know, well

22 qualified for the position.

23 A. That's right.

24 Q. You can tell me why you didn't put it in there,

25 but you can't tell me why you did?

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

SHEET 10 PAGE 37

PAGE 39

1 July 26th. That's actually why I was asking the
2 question, I was wondering when you had the
3 conversation with Ms. Silberman. It looks like
4 this letter might have been begun in April and
5 finished in July or something.
6 MS. MUNSCH: Or it's just a typo.
7 BY MR. SANSONE:
8 Q. Or it's just a typo, right.
9 MS. MUNSCH: I don't even know if the
10 charge was served back in April, I don't know if
11 she can remember that.
12 BY MR. SANSONE:
13 A. I can't recall when the charge was served.
14 Q. But anyway, I think you earlier testified that
15 you wrote this letter within the several weeks
16 prior to the July 26th date?
17 A. That's correct.
18 Q. Okay. Would you have been talking to
19 Ms. Silberman during that time frame?
20 A. I would have talked to her to write my
21 performance -- I mean to write my position
22 statement.
23 Q. Okay. And it was she that told you that there
24 was a comparison of the performance appraisals
25 which was a factor in the decision; is that

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 I'm going to go back and look at it again to
2 make sure I didn't miss something.
3 BY MR. SANSONE:
4 Q. Do you know any other reasons for
5 Ms. Silberman's statement that she chose
6 Ms. Swick as being better qualified other than
7 the performance appraisals?
8 MS. MUNSCH: Her personally?
9 BY MR. SANSONE:
10 Q. Do you know of any other reason that
11 Ms. Silberman had, whether she told you another
12 reason, you saw a note written by her or
13 something?
14 A. I'm not aware of any other reasons that I can
15 recall.
16 Q. Okay. I'm going to show you what has been
17 marked as Swick Deposition Exhibit 2, and I
18 understand that at this point forward we have to
19 seal the record as Swick Exhibit 2 is a matter
20 which is -- a document which is covered under
21 the agreement between the parties with regard to
22 confidentiality. Until the court reporter is
23 directed otherwise this portion of the record
24 will remain under seal.

MS. MUNSCH: And Cindy wouldn't know

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 38

PAGE 40

1 right?
2 A. That's correct.
3 Q. Were there any other factors that she mentioned
4 in the decision?
5 A. I can't recall our discussion.
6 Q. Did you make notes of your discussion?
7 MS. MUNSCH: I think that was asked
8 and answered.
9 BY MR. SANSONE:
10 A. If I would have --
11 Q. I guess I did ask that question. I'm sorry?
12 A. If I would have, you would have them.
13 Q. Okay. You've looked for notes and you haven't
14 found any, is that it?
15 A. I haven't looked for anything. I gave counsel
16 everything they asked for.
17 MS. MUNSCH: I gave you a folder
18 marked Cindy Mori's folder. She gave me her
19 folder.
20 MR. SANSONE: I just --
21 MS. MUNSCH: I don't think she went
22 through page to page to determine what she was
23 giving me. She gave me her folder, which we've
24 given to you.
25 MR. SANSONE: Well, before the end

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 anything about this.
2 Just so you know, this is just to
3 maintain the privacy of information that's
4 coming from personnel files of people who aren't
5 parties to this litigation. So that's the
6 reason for why we're doing this, to maintain the
7 confidentiality of information contained in
8 other people's personnel files, but you may
9 answer the questions.

THE WITNESS: Okay.

11
12 (Whereupon, the remaining pages of
13 this deposition are being marked confidential
14 and are being sealed under separate cover.)
15
16
17
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25

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

SWEETING vs. HIGHMARK, INC.
DEPOSITION OF TINA PALAGGO-TOY
November 22, 2005

Page 1 to Page 73

**COMPRESSED TRANSCRIPT
AND
WORD INDEX
PREPARED BY:**

Quality Court Reporting

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412-8

PENGAD 800-631-6369

PLAINTIFF'S
EXHIBIT

E

02

3-0293

SHEET 12 PAGE 45

45

1 BY MR. SANSONE:
 2 Q. You don't know if you recommended two percent?
 3 A. I don't. I don't remember this.
 4 Q. That's the bottom of that range; right?
 5 A. Right, it was two to three.
 6 Q. Oh, two to three that year?
 7 A. Correct.
 8 Q. I see. But you said you're the type of manager
 9 that wants to give as much as you can?
 10 A. I usually do, yes.
 11 Q. Is it likely that you recommended the lowest
 12 possible raise?
 13 MS. MUNSCH: If you can recall.
 14 BY MR. SANSONE:
 15 A. I don't remember. I honestly don't remember.
 16 Q. Don't worry about that if you can recall stuff.
 17 MS. MUNSCH: Well, no, that's the --
 18 MR. SANSONE: What I mean is --
 19 MS. MUNSCH: She is my client.
 20 MR. SANSONE: I know, but you don't
 21 have to cue her every time --
 22 MS. MUNSCH: She's not to guess
 23 because you're pressing her to guess.
 24 MR. SANSONE: You don't have to cue
 25 her every time I ask a question. She knows to

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 47

47

1 BY MR. SANSONE:
 2 A. I don't remember seeing it in this format.
 3 Q. Do you know if you played any role in providing
 4 information that went into the preparation of
 5 this?
 6 A. I'm sure I provided information that went into
 7 this.
 8 Q. Ms. Mori indicated that she did call you on a
 9 couple occasions.
 10 A. Yeah.
 11 Q. Do you remember talking to her about that?
 12 A. I remember talking to her about many things, and
 13 I do remember her prepping for this case, yes.
 14 Q. Do you mean for these depositions or for this --
 15 A. For the EEOC.
 16 Q. I see. Let me ask you this: What was your role
 17 in determining that my client would be
 18 terminated and her position would be eliminated,
 19 what role did you play in that decision?
 20 A. I didn't play any role.
 21 Q. Were you consulted in that decision?
 22 A. Very close to when the job was eliminated I had
 23 received a voicemail from Anna, who was our
 24 new --
 25 Q. Anna is?

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 46

46

1 answer if she remembers.
 2 MS. MUNSCH: Well, she --
 3 BY MR. SANSONE:
 4 Q. And I'll tell you again, if you don't remember,
 5 don't make it up, just say I don't remember --
 6 MS. MUNSCH: She's not making
 7 anything up.
 8 BY MR. SANSONE:
 9 Q. -- that way she doesn't have to cue you every
 10 time I ask you a question. She doesn't have to
 11 say to you if you remember so you can say I
 12 don't remember. We call that cuing.
 13 A. But she's not cuing me.
 14 Q. That's why I said don't pay attention.
 15 A. I don't remember, I've said it three times.
 16 Q. Okay. We have introduced into the record a
 17 little bit earlier in one of the earlier
 18 depositions, and I think it's Swick Exhibit 1,
 19 it might not be, the position statement of the
 20 company sent by Ms. Mori to the EEOC sometime
 21 around July 26th of 2004. I'm going to show it
 22 to you and ask you if you've seen it before.

(The witness reviewed the document.)

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 48

48

1 A. Anna Silberman is my current vice president.
 2 Q. Your boss?
 3 A. Yes.
 4 Q. Okay.
 5 A. And at that time was to, they were just assuming
 6 responsibility for us.
 7 Q. I see.
 8 A. And she asked me via voicemail if I had to
 9 choose between Joy or Becca for a position in
 10 the new organization, who would I choose. And
 11 of course I left her a voicemail back because we
 12 weren't meeting on it, it was via voicemail, and
 13 I said that I would choose Joy, but that was the
 14 only encounter.
 15 Q. This was sometime near the time that the
 16 decision was made?
 17 A. It feels that way. I don't remember the actual
 18 time frame.
 19 Q. Okay.
 20 A. That was a stressful time frame.
 21 Q. I'm sure it was. It was near to the time of
 22 that decision; is that right?
 23 A. Yes. But whether it was February, mid, I'm not
 24 even sure, I don't know. I don't know.
 25 Q. Okay. Sometime maybe in the month or so prior

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

SHEET 13 PAGE 49

49

- 1 to that decision being made, somewhere in that
2 time frame?
- 3 A. It seems like that could be the case. I don't
4 remember any dates.
- 5 Q. So you called Ms. Silberman back, didn't get her
6 I guess and left a voicemail?
- 7 A. That's what I remember.
- 8 Q. Okay. In the voicemail response you left a
9 message to the effect that you would choose Joy
10 over Becca for that position; is that right?
- 11 A. Yes. I did not know what the position was
12 though, it was -- her voicemail to me was just
13 posed if I had to choose.
- 14 Q. For any position you mean?
- 15 A. Right.
- 16 Q. I see.
- 17 A. Well, she didn't say for any position. Her
18 words to me were, as I recall, if I had to
19 choose between Joy or Becca for the new
20 organization, who would I choose.
- 21 Q. For some job, but you didn't know for what job?
- 22 A. I don't remember if she said the actual job
23 title, I don't remember that.
- 24 Q. Okay. When you learned what job Becca
25 eventually was given, if you had known that at

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 51

51

- 1 BY MR. SANSONE:
- 2 Q. We'll go back to my original instructions which
3 I've repeated over and over again. You only can
4 tell me what you know. It goes without saying
5 that if you have no knowledge that can answer
6 the question, you should say I don't know. That
7 way Martha doesn't have to keep helping you with
8 this testimony because I know you don't need it,
9 I understand that. She doesn't seem to get
10 that.
- 11 MS. MUNSCH: Then she's answered it
12 three times. I think she's told you she doesn't
13 know.
- 14 BY MR. SANSONE:
- 15 A. I am the director of the work site wellness
16 area. I have not been involved in that
17 community part of life in PHS.
- 18 Q. I'm asking you this question now: Have you
19 learned anything about this position which would
20 change your answer? I take it that the answer
21 to that would be no, but --
- 22 MS. MUNSCH: I'm going to object to
23 that absolutely, Joel, because --
- 24 MR. SANSONE: Well, if you get to
25 suggest her answers --

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 50

50

- 1 the time of the question being posed to you,
2 what would your answer have been?
- 3 A. I don't know. I mean I don't imagine it would
4 have been different.
- 5 Q. That's what I figured you'd say.
- 6 A. I don't know. I didn't know what that job was.
- 7 Q. Well, do you know now know what --
- 8 A. Do I know now, yes, I know now.
- 9 Q. Well, I'm saying using the knowledge that you
10 have now, if you were asked the same question,
11 would you still answer the same way?
- 12 A. I don't know because I'm not there, do you know
13 what I mean?
- 14 Q. No, I don't.
- 15 A. Well, that's my answer. I don't know how I
16 would answer it today.
- 17 Q. Well, is there anything that you've learned
18 about that position which would suggest to you
19 that Becca was a better choice for it than Joy?
- 20 MS. MUNSCH: I'm going to object
21 because there's no foundation laid that to this
22 day she knows what that job involves because I
23 think she testified that she manages work site,
24 there's been no foundation that she manages
25 community site.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 52

52

- 1 MS. MUNSCH: -- what she said is --
- 2 MR. SANSONE: -- why can't I?
- 3 MS. MUNSCH: -- that at the time she
4 gave the answer she didn't know -- I mean she --
- 5 MR. SANSONE: I'm not asking that
6 question. Listen to the question.
- 7 MS. MUNSCH: She still doesn't know
8 what the community --
- 9 BY MR. SANSONE:
- 10 Q. I said now, have you learned anything since then
11 that's changed your opinion, that's all. It's a
12 simple question. Have you learned anything
13 since the time you were first asked that
14 question which would change your opinion? You
15 must know the answer to that question, it's
16 either yes or no.
- 17 MS. MUNSCH: Or it's --
- 18 BY MR. SANSONE:
- 19 A. I mean I think it's an unfair question. I
20 don't --
- 21 Q. For example --
- 22 A. You're asking me how would I answer that
23 question today. I'm so blurred by it today.
- 24 Q. Actually, I'm asking a different question.
- 25 MS. MUNSCH: Let her finish.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

SHEET 14 PAGE 53

53

- 1 BY MR. SANSONE:
2 Q. I'm asking this question: When you were asked
3 the question before you said I didn't know what
4 the job was, she might have said the title, I
5 don't remember, but I certainly didn't know
6 exactly what it entailed; correct?
7 A. Right.
8 Q. Now, what I'm trying to find out is if you have
9 learned anything since the time of being asked
10 that question which would cause you to answer
11 the question any differently today? That's the
12 only question I'm asking you.
13 A. No, because I manage the work site health
14 promotion area.
15 Q. Theoretically somebody could have come to you
16 and said, this is what Becca's doing and she's
17 much better at it than Joy would have been and
18 here's why it's better for her. You could have
19 had --
20 MS. MUNSCH: Well, that's secondhand
21 knowledge, Joel, and that's --
22 BY MR. SANSONE:
23 A. I never trust that kind of stuff.
24 Q. Even if you don't trust it, I want to know if
25 you had any input like that, whether you believe

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 54

54

- 1 it or accept it or not, now I want to know has
2 anybody come to you to try to justify why this
3 choice was made?
4 A. No.
5 Q. Okay. Why did you answer the question the way
6 you did when you were asked it back sometime in
7 early '04?
8 A. Because I really like Joy, I had worked with her
9 for a really long time, we had a good
10 relationship, I respected her -- I mean I
11 respect her, I don't mean to say it "ed".
12 Q. I appreciate that.
13 A. It was an honest answer. I had much more
14 experience with Joy than I did with Becca. I
15 worked with her much longer and very closely
16 over those years.
17 Q. Do you have enough information to give an
18 opinion as to who -- well, do you know anything
19 about the position that Becca was given -- I
20 hate to call her Becca, I don't know her,
21 Rebecca was given?
22 A. I really -- then, now?
23 Q. As you sit here.
24 A. My responsibility now is 100 percent work site
25 wellness. I am like that one objective that you

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 55

55

- 1 saw on that performance appraisal --
2 Q. I understand that.
3 A. -- blown up nationally.
4 Q. I understand that, but that's not what I asked
5 you.
6 A. Okay.
7 Q. I asked you --
8 MS. MUNSCH: It is what you asked
9 because that's not what Becca does.
10 BY MR. SANSONE:
11 Q. Let me ask the question again slowly.
12 MS. MUNSCH: Okay, but it's been
13 asked and answered.
14 BY MR. SANSONE:
15 Q. What I asked you was have you learned anything
16 about that job -- simply because you work
17 somewhere else in the company doesn't mean you
18 might not have learned something, so I'm asking
19 you have you learned any of the details of the
20 job that she now performs from any source?
21 A. My experience with the folks that do that job is
22 working collaboratively with the team that I'm
23 responsible for to take those community programs
24 and put them on-site at the work site. That's
25 what my experience is, and I have learned how to

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 56

56

- 1 do that pretty well.
2 Q. Okay.
3 A. That's what I do.
4 Q. Right. Of course that isn't what I asked you.
5 A. I'm not understanding your question. I'm not
6 trying to not answer it.
7 Q. That's okay. I'll try to ask it a different
8 way. I understand that when the change happened
9 here in early '04 you took on this specific
10 focused responsibility?
11 A. Correct.
12 Q. You no longer had responsibility for other
13 aspects of this program, I understand all those
14 things. All I'm asking you is whether or not
15 despite the fact that your responsibilities
16 changed did you come to learn what job it was
17 that Becca was given and what she does so that
18 you might evaluate the question of whether one
19 was more competent than the other?
20 A. No, because Becca doesn't report to me.
21 Q. Okay, I understand. You --
22 A. My day-to-day has nothing to do with those folks
23 except for using those programs that they have
24 relationships with those community agencies and
25 bringing them on-site to the work site.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

SHEET 15 PAGE 57

57

- 1 Q. Is it fair to say that -- and by the way, the
2 question was posed to you by Ms. Silberman, did
3 I understand that right in a voicemail to you?
4 A. Correct.
5 Q. After you answered to the effect of Joy Sweeting
6 would be your choice, did you ever have any
7 other contact with Ms. Silberman on that issue?
8 A. No, not following that call. I can tell you
9 that prior to, and I don't know what the timing
10 was, I went up to Anna's office before they
11 moved to our area and just went through --
12 without her asking me, went through our entire
13 staff and told her their strengths. I was
14 scared. I didn't want anybody to lose their
15 job. I was trying to protect everybody. So
16 I -- I mean you feel these things, you know it's
17 going to happen, you know something's happening,
18 and I was completely out of the loop. That
19 didn't feel good. So I went to her office and
20 went through everybody.
21 Q. And their strengths?
22 A. And their strengths.
23 Q. Did you go through their weaknesses as well or
24 just --
25 A. I did not.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 59

59

- 1 Q. I don't know what was done. I mean one thing
2 was you were asked the question who would you
3 choose, Becca or Joy, and I would call that
4 participation in that question.
5 A. Right.
6 Q. Was there anything else that was like that or
7 anything else that would constitute in your mind
8 participation in the decision?
9 A. I would say --
10 MS. MUNSCH: She told you giving the
11 input on the strengths, I would think that might
12 be at least unsolicited participation.
13 MR. SANSONE: Okay.
14 BY MR. SANSONE:
15 Q. Did you consider that as participation in the
16 decision as to who would stay and who would
17 leave?
18 MS. MUNSCH: I'm going to object.
19 She asked you to define participate, that's
20 something she already described as input. I
21 mean define participate for her.
22 BY MR. SANSONE:
23 Q. Well, see, what I like to do when I do these
24 depositions is I like to use your definition of
25 words so that it's not confusing.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 58

58

- 1 Q. Okay.
2 A. Because I don't usually go that route.
3 Q. I'm trying to focus exactly on what happened
4 after you told Ms. Silberman that you would
5 choose Joy Sweeting. I was asking you did she
6 ever contact you about this again?
7 A. No.
8 Q. Did anyone ever contact you about that again,
9 whether it be Ms. Silberman or anybody else?
10 A. Not until the time when they pulled me in, they
11 meaning Cindy and Anna, as the manager to tell
12 me that people were losing their jobs and it
13 would be my job to tell four of the seven people
14 that their jobs were eliminated.
15 Q. And among the four that you told was my client?
16 A. That's right.
17 Q. But you didn't make the decision?
18 A. I did not.
19 Q. Nor participate in it --
20 A. What do you mean by --
21 Q. -- except to the extent that you were asked that
22 question? Well, did you do anything else to
23 participate in the decision as to who would be
24 terminated and who would not be?
25 A. What do you mean by participate?

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 60

60

- 1 MS. MUNSCH: Joel, I'm going to
2 object to that. You're the one asking the
3 questions, it's up to you to tell her what you
4 mean by that. I think it's fundamental, you
5 tell her what you mean by participate.
6 MR. SANSONE: Martha, we're going to
7 do this my way and depending how long you --
8 MS. MUNSCH: Define it because I'm
9 not going to allow -- have her try to --
10 MR. SANSONE: She's going to answer
11 whatever questions I ask.
12 MS. MUNSCH: So ask it.
13 MR. SANSONE: I just did.
14 MS. MUNSCH: She has a right to
15 interrogate the interrogator.
16 BY MR. SANSONE:
17 Q. Did you participate in the decision to terminate
18 my client?
19 A. No. If you -- I handed over the files on people
20 as I was asked.
21 Q. You were asked to give files?
22 A. Correct.
23 Q. But you weren't asked to give any input?
24 A. No, just that voicemail.
25 Q. With the exception of that voicemail. That's

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

SHEET 16 PAGE 61

PAGE 63

- 1 what you mean by being out of the loop, isn't
2 it, that you weren't really asked for input as
3 to who was going to be --
4 A. Right. It wasn't a -- I wasn't part of what the
5 new organization was going to look like in terms
6 of structuring it.
7 Q. I see.
8 A. I knew -- that's about it.
9 Q. In whatever time passed between when you were
10 asked that question and gave the answer and the
11 time of the decisions being announced, and I
12 think it was a short time, weeks or something or
13 maybe months at the most?
14 A. Yeah.
15 Q. And I think you've already said that
16 Ms. Silberman never contacted you, nor did
17 anybody else to follow up on your answer?
18 A. No.
19 Q. Was that surprising to you?
20 A. Not really.
21 Q. When you learned that my client would be one of
22 the persons who was terminated, were you
23 surprised?
24 A. Sad more than --
25 Q. To be fair, sad I understand, but the question

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

- 1 MR. SANSONE: I was still talking and
2 finishing.
3 MS. MUNSCH: I object to the form of
4 the question.
5 MR. SANSONE: You have to wait until
6 I finish it before you object.
7 BY MR. SANSONE:
8 Q. I'm talking about experience at Highmark, was it
9 clear that my client had significantly more
10 experience than Ms. Swick did working at
11 Highmark?
12 A. Well, Becca came from customer service, so I'm
13 not sure how many years she had working at
14 Highmark prior to coming to us.
15 Q. Would you have known that at the time?
16 A. What do you mean?
17 Q. Back in '04 would you have known the answer to
18 that question then?
19 A. In terms of how long she worked for Highmark?
20 Q. Yes, would you have --
21 A. I'd have to look it up, I don't memorize that
22 stuff.
23 Q. But would you have had it at your disposal if
24 you wanted to know such a thing?
25 A. I would call HR, yeah.

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

PAGE 62

PAGE 64

- 1 is not sad or happy, it was surprised. Were you
2 surprised at that result?
3 A. Surprised? No.
4 Q. Why not?
5 A. You know, I'm not sure. When you asked me was I
6 surprised, I wasn't surprised. I didn't know
7 how things would go. I wasn't surprised about
8 anything. Everything was -- it was -- who knew
9 how it was going to go.
10 Q. Did you know at that time how much experience --
11 what the comparison in experience at Highmark
12 was as between Ms. Swick and my client?
13 A. Becca reported to me, I knew her strengths too.
14 Q. No, no, I said the amount of experience, years
15 of experience?
16 A. Years of experience?
17 Q. Yes.
18 A. Difference in their experience like years?
19 Q. Yes.
20 A. Heck yeah.
21 Q. Was it clear to you that my client had
22 significant more years of experience than
23 Ms. Swick working for --
24 MS. MUNSCH: I object to the form.
25 Experience doing what?

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

- 1 Q. When you were asked the question would you
2 choose Joy or would you choose Becca, what
3 factors did you take into account when you
4 answered Joy?
5 MS. MUNSCH: I think she answered
6 that already.
7 BY MR. SANSONE:
8 A. Because I knew her very well, we had worked
9 together for many years.
10 Q. You said that.
11 A. We were very close. I respected her -- I
12 respect her.
13 Q. Okay.
14 A. There's nothing more to that. We had --
15 Q. Well, did you, for example -- since you were
16 asked to make a comparison, did you consider the
17 difference in years of experience at Highmark
18 for example?
19 A. It was a gut -- emotional, I was having to pick
20 between two people that I really liked.
21 Q. A tough call.
22 A. I didn't want to do that.
23 Q. I understand that. But I understand that it's
24 business and you had to make a call, and you
25 did, now what I'm asking you is were there --

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOY SWEETING,

Plaintiff,

vs.

HIGHMARK, INC.,

Defendant.

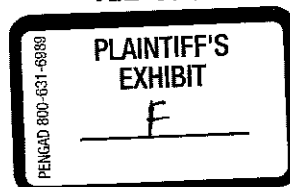
CIVIL ACTION NO. 04-0368

DEPOSITION OF WILLIAM BRADLEY PIFALO

Scanlon & Sansone
2500 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
412-281-9194

Thursday, December 8, 2005

Quality Court Reporting
412 833-3434



ORIGINAL

W. Pifalo - by Mr. Sansone

- - - - -

1 to ensure attendance at this retreat?

2 A. I don't remember what efforts she made.

3 Q. Did you play any role in the decision not
4 to retain my client in her employment after the
5 HealthPLACE locations were closed?

6 By the way, we all understand that she had
7 a temporary assignment from March to October, after
8 the closing of the HealthPLACES, but I'm talking
9 about the failure to give her a new position in the
10 ongoing reorganization. Did you play any role in
11 that?

12 A. No.

13 Q. Were you consulted with respect to that
14 decision?

15 A. I met with Anna Silverman on one occasion.
16 It was after a lunch meeting with her and Aaron
17 Walton. After lunch she asked if I would review with
18 her the staff of HealthPLACE, and it was only at that
19 time that I was consulted on anyone in the
20 department.

21 Q. Was that after the decision was made as to
22 how it would be staffed?

23 A. No. This would have been early in the
24 process.

25 Q. In that conversation with Ms. Silverman did

W. Pifalo - by Mr. Sansone

- - - - -

1 you discuss my client and her potential to remain?

2 A. I do not remember having discussed Joy
3 Sweeting, but my general impression is that we went
4 through the entire list of HealthPLACE employees.

5 Q. Do you recollect telling Ms. Silverman that
6 you did not consider my client a good candidate for
7 retention?

8 A. I do not recall that.

9 MR. SANSONE: I am going to have to
10 ask you to take a quick break. I left something in
11 the other room. I'll be right back.

12 (Whereupon, a brief recess was taken.)

13 Q. I took the deposition of Ms. Silberman in a
14 couple of parts, the most recent of which I think was
15 last week or the week before. She told me that she
16 had a conversation with you about my client and her
17 potential for retention in the new organization, and
18 I don't have the transcript yet in which her exact
19 words were used, so I've only relied on the notes
20 that I made at the time.

21 I made the note that Ms. Silberman said
22 that you, Dr. Pifalo, said words to the effect of
23 she, Joy Sweeting, has to go. Do you recall making
24 that statement or a statement like that to Anna
25 Silberman at any time?

W. Pifalo - by Mr. Sansone

- - - - -

1 A. I do not.

2 Q. Did you have an opinion as of the early
3 part of 2004 as to whether or not my client should be
4 retained in the new organization?

5 A. No. I had no involvement in the decision
6 as to who would be retained in the new organization.

7 Q. I beg your pardon, sir. My question was
8 not as to what your involvement was. I asked you
9 what your opinion was at that time, even if nobody
10 asked you --

11 MS. MUNSCH: If you had one. If you
12 didn't have one, you don't have to form one now.

13 A. I did not have one.

14 Q. But you plainly did not have the opinion
15 that she should be fired or terminated, is that
16 right, or had not offered any opinion --

17 MS. MUNSCH: I'm going to object to
18 the form of the question. I think he said he didn't
19 recall what he said to Ms. Silberman about any of the
20 employees when they reviewed the list of employees.

21 MR. SANSONE: That's a different
22 question. My question is --

23 MS. MUNSCH: Well, he said he didn't
24 recall what he said.

25 MR. SANSONE: I didn't ask him what he

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOY SWEETING,

Plaintiff,

vs.

HIGHMARK, INC.,

Defendant.

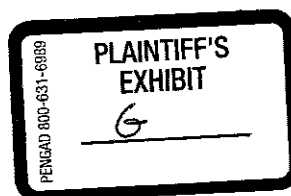
CIVIL ACTION NO. 04-0368

DEPOSITION OF DEBORAH RICE

Scanlon & Sansone
2500 Lawyers Building
428 Forbes Avenue
Pittsburgh, PA 15219
412-281-9194

Thursday, December 8, 2005

Quality Court Reporting
412 833-3434



ORIGINAL

D. Rice - by Mr. Sansone

- - - - -

1 A. I am.

2 Q. How long have you been married?

3 A. 11 years.

4 Q. Is it your first marriage?

5 A. No.

6 Q. Second marriage?

7 A. Yes.

8 Q. Do you have children?

9 A. One daughter.

10 Q. By the first, or second?

11 A. Second.

12 Q. How old is your daughter?

13 A. She's nine.

14 Q. How many directors did you have --

15 A. At that time?

16 Q. -- reporting to you? Yes.

17 A. Four.

18 Q. So the 35 sales people were broken up into
19 four directors?

20 A. Right.

21 Q. I know Tina Palaggio-Toy was one of them?

22 A. No.

23 Q. No?

24 A. No. She was not in the sales group.

25 Q. I'm sorry. So you didn't have any direct

D. Rice - by Mr. Sansone

1 responsibility for Tina Palaggo-Toy either?

2 A. No, I didn't.

3 Q. And no direct responsibility for my client
4 either?

5 A. No.

6 Q. Did you ever observe my client in the work
7 that she did?

8 A. One time I recall being at a meeting with
9 the client.

10 Q. One time you were at a meeting with my
11 client and a client of Highmark?

12 A. Right.

13 Q. Do you remember when that was?

14 A. I don't. It would have been during that
15 tenure.

16 Q. '01 to '03, sometime in that time frame?

17 A. Right.

18 Q. What was the occasion upon which you were
19 with this client and my client?

20 A. We were talking about worksite wellness.

21 Q. Can you give me some more details? Where
22 were you? Who was the client? What was --

23 A. I don't recall who the client was. I
24 recall that we met with the client to talk about
25 worksite wellness.

D. Rice - by Mr. Sansone

- - - - -

1 Q. You and Ms. Sweeting?

2 A. Yes; and one of my client managers, and I
3 can't recall which one it was.

4 Q. This was unusual, obviously?

5 A. No. Periodically I go out with my client
6 managers to visit a client, and that's what we were
7 doing.

8 Q. Well, why was Joy Sweeting involved in this
9 particular meeting?

10 A. Because we thought a topic that we could
11 cover in my meeting -- I wouldn't just typically go
12 to meet with a client, we would go with a topic to
13 cover. The topic we were covering was worksite
14 wellness.

15 Q. I see. So you brought Joy, I take it, as
16 sort of a specialist?

17 A. My client manager brought her in.

18 Q. But the point is to bring her in as a
19 specialist on the issue of worksite wellness?

20 A. To come in to talk about worksite wellness,
21 yes.

22 Q. Did you object to my use of the term
23 "specialist" there?

24 A. No.

25 Q. Would you agree with that?

D. Rice - by Mr. Sansone

- - - - -

1 A. I don't know, personally, what Joy
2 specializes in. All I know is that we were bringing
3 her out to talk about Wellness. I don't know,
4 because I wasn't responsible for the area, what level
5 she played in that organization.

6 Q. I take it you don't know much about what my
7 client did?

8 A. Not really.

9 Q. By "my client," I mean my client or anybody
10 else in her position, you're not real familiar with
11 the duties of her position?

12 A. Not specifically.

13 Q. I take it's fair, then, to say that you
14 didn't know much about my client's performance at
15 all?

16 A. All I knew was the discussion we were
17 covering was talking about Wellness.

18 Q. She, my client, was selected by somebody
19 that was under you; is that right?

20 A. Because --

21 Q. First just answer that.

22 A. Yes.

23 Q. Who was that, again?

24 A. I don't recall.

25 Q. You don't remember?

D. Rice - by Mr. Sansone

- - - - -

1 A. I can't remember which client manager it
2 was.

3 Q. The title was client manager?

4 A. Client manager.

5 Q. So one of your client managers?

6 A. Right.

7 Q. Of whom there were how many?

8 A. I had four, four of the eight.

9 Q. So one of four people selected my client to
10 accompany you and him or her on this meeting with the
11 client?

12 A. That's right. Joy was responsible for
13 doing that in the Erie office, talking about
14 Wellness.

15 Q. Is it likely that the client was somewhere
16 in the Erie area?

17 A. It was, absolutely.

18 Q. But you don't remember who the client was?

19 A. I don't remember.

20 Q. Other than this one interaction, did you
21 have any other interaction with my client?

22 A. Not on a work basis, more just seeing each
23 other, casually saying hi, and that sort of thing.

24 Q. Okay. Let's go back to this one instance.

25 A. Okay.

D. Rice - by Mr. Sansone

- - - - -

1 Q. My client was brought in to consult with
2 the client on worksite wellness?

3 A. The meeting was really meant to give me an
4 opportunity to meet the client, and often whenever we
5 do that we like to bring some topic in. So while it
6 wasn't a very detailed meeting, from what I recall,
7 it's been some years ago, we had discussion about
8 their business, discussions -- typically what we do,
9 a discussion about their business, a discussion about
10 what Highmark does for them, and then we start
11 talking about some aspect of the business. At this
12 juncture it was talking about some aspect of
13 Wellness.

14 Q. That was what Joy was to contribute?

15 A. That's right.

16 Q. Do you have any recollection of how that
17 meeting went?

18 A. I thought it went fine, but I don't have a
19 lot of detail to my memory. It's been a lot of years
20 ago and it was one of many meetings that I attended
21 with clients that day.

22 Q. Sure, two years ago or three years ago,
23 maybe four, you've probably been in a lot of meetings
24 since then?

25 A. Absolutely.

D. Rice - by Mr. Sansone

- - - - -

1 Q. Do you have any present recollection that
2 there were any problems that occurred in the meeting?

3 A. No. There were no problems in the meeting.

4 Q. Do you recall my client's performance in
5 that meeting as she gave the information about Work
6 Site Wellness?

7 A. I don't recall specifically.

8 Q. Is it fair to say that you don't recall her
9 doing a poor job or anything like that?

10 A. I don't recall.

11 Q. If I were to ask you do you have any
12 knowledge of my client's work, from personal
13 observation of client's work, wherein she did not do
14 a good job, what would your answer be?

15 A. I only have one observation that I remember
16 and it was at that meeting, and I don't recall much
17 about the meeting.

18 Q. You can't tell me whether she did a good
19 job, or a bad job?

20 A. I don't know.

21 Q. But you do know that the meeting seemed to
22 go fine?

23 A. I just remember being at the meeting with
24 Joy and one of my client managers.

25 Q. Did you say that you remember the meeting

D. Rice - by Mr. Sansone

- - - - -

1 going fine?

2 A. I thought it was fine. If it was a bad
3 meeting, that's something you'd remember.

4 Q. Okay. Fair enough. Other than that one
5 time, did you have any other source of information
6 about my client's performance?

7 A. Just one comment that I recall from one of
8 my client managers, I can't recall which one it was,
9 but just indicating that they didn't want to bring
10 Joy to a meeting, and I don't remember anything else
11 about that.

12 Q. Even the reason why?

13 A. I don't remember.

14 Q. Do you remember, whatever the reason was,
15 it was something about my client that this person
16 didn't like, or was it some other reason like she
17 wasn't available, or something like that?

18 A. No. What I recall is that they thought
19 they needed a better performer.

20 Q. I see. But you don't remember who that
21 manager was that said this?

22 A. I don't. I don't.

23 Q. Do you know why you're being deposed today?

24 A. I do.

25 Q. Why?

D. Rice - by Mr. Sansone

- - - - -

1 MS. MUNSCH: Actually I'm not going to
2 allow her to reveal anything that her lawyers told
3 her.

4 A. That's all I know.

5 Q. What's all? What do you mean?

6 A. Just to prepare me to come here today.

7 Q. What, if anything, did you review for your
8 deposition today?

9 A. Nothing. I was just trying to remember the
10 one meeting we were in.

11 Q. I'm not asking you to tell me what your
12 lawyer said. I don't want to know about that
13 conversation. I assume that you know that some
14 statements have been attributed to you by
15 Ms. Silberman?

16 A. Yes.

17 Q. Whose deposition we finished up last week,
18 if I remember that right. Do you know the statements
19 that are being attributed to you?

20 MS. MUNSCH: I'm going to object to
21 the form of the question. If you want to, ask her to
22 testify about what she recalls, but, again, if you're
23 asking her what did her lawyers --

24 MR. SANSONE: We're going to get to
25 this, we're going to get to the statements, Martha.

D. Rice - by Mr. Sansone

1 MS. MUNSCH: So just ask her what --
2 yes, I mean, I'm not going to -- what I don't want to
3 do is have to have her testify about what the lawyers
4 told her.

5 MR. SANSONE: The reason is we don't
6 have the transcript of exactly what Ms. Silberman
7 said. I wrote down what I thought she said, but what
8 I'm trying to do is not misquote her.

9 Q. I'll tell you what I understand that she
10 said, and this is as close as I can get by having
11 written it down. Ms. Silberman indicated that at
12 some point, at which point was not clear, you were to
13 have said something to this effect: "Remember we
14 need help up in Erie, or the Erie area, and anybody
15 but Joy," is what I wrote down. I think that's an
16 approximation of what her testimony was, without
17 having the transcript in front of me.

18 Did you ever make such a statement?

19 A. I don't recall the statement specifically.
20 What I do recall is what I just said earlier, that a
21 client manager had indicated that we needed somebody
22 to go out to a client and anybody but Joy. That's
23 all I recall.

24 Q. Wait a minute now. You mean to say that
25 the client manager, whose name you don't recall, is

D. Rice - by Mr. Sansone

1 the one who actually used the statement get anybody
2 but Joy to go to the client?

3 A. No, no. Let me restate that. They felt
4 they needed somebody other than Joy. I corresponded
5 with Anna indicating anybody but Joy, requesting for
6 somebody to come.

7 Q. For that meeting, though?

8 A. For that meeting, because there was
9 apparently an issue, and I don't know anything more.

10 Q. As I understood the statement from
11 Ms. Silberman, and again all I can do is tell you
12 what I wrote down about it and tell you what I think
13 she said, the question was in the context of her
14 making the decision as to who to retain in the new
15 organization after the HealthPLACE was disbanded.
16 Did you ever tell Ms. Silberman any words to suggest
17 that she shouldn't retain my client for a position in
18 the new organization?

19 A. I don't recall the discussion like that.
20 What I recall is having a discussion and my opinion
21 would have come because of information that I had
22 from the client manager.

23 Q. That one single incident?

24 A. I don't recall the conversation in any
25 greater detail than what I described. I may have

D. Rice - by Mr. Sansone

1 said that. I don't recall.

2 Q. You misunderstood my question.

3 A. Okay.

4 Q. Do I understand that you were relaying to
5 Ms. Silberman an opinion about my client based on
6 that one incident?

7 A. What I -- I can just share with you what I
8 remember saying is we needed somebody to fill a need
9 with a client and I said anybody but Joy. That's
10 what I recall.

11 Q. Okay. What were you responding to when you
12 recall that?

13 A. I don't recall.

14 Q. Who did you say that to?

15 A. Anna.

16 Q. Was it on the telephone, or in person?

17 A. It would be in person, most likely, because
18 I am in the Pittsburgh office, as she is.

19 Q. Do you remember, were you having a
20 water-cooler conversation, or was this a meeting you
21 were having, or what?

22 A. It was a discussion specifically meant to
23 find somebody to fill a need.

24 Q. That's a little vague. Do you mean to say
25 that it was to fill a need in the new organization,

D. Rice - by Mr. Sansone

1 or a need for that particular meeting that you were
2 referring to?

3 A. For that meeting, is what I recall.

4 Q. You do not recall having a conversation
5 with Ms. Silberman about my client's appropriateness
6 for a position in the new organization?

7 A. I don't recall talking about a position in
8 her organization.

9 Q. Nor do you recall, I take it, indicating
10 that my client would not have been appropriate to
11 fill a position in the new organization?

12 A. I don't recall that discussion.

13 Q. Is that something you think you would
14 likely recall if you did say that?

15 A. I don't know.

16 Q. Did you give any opinions to Ms. Silberman
17 about Rebecca Swick?

18 A. No.

19 Q. About the appropriateness of hiring her for
20 the new organization?

21 A. No. I had not worked with Rebecca.

22 Q. So you knew nothing about Rebecca as a
23 candidate?

24 A. Exactly.

25 Q. Do you now know anything about her?

D. Rice - by Mr. Sansone

- - - - -

1 A. No.

2 Q. I'm going to ask this question very
3 carefully and I want you to listen very carefully to
4 my question and answer the one I'm asking you.
5 Okay?

6 A. Okay.

7 Q. Do you have any present recollection of
8 giving any recommendation to Ms. Silberman about my
9 client as a potential employee in the new
10 organization?

11 A. I do not.

12 Q. Sometime during the '01 to '03 time frame
13 we've been talking about, probably sometime in 2002,
14 probably in the summer months of 2002, do you recall
15 spending a day with my client on a fishing boat up in
16 Erie?

17 A. I do.

18 Q. What do you recall about that day?

19 A. Not anything specifically other than we
20 were fishing.

21 Q. Are you a fisher-woman?

22 A. No. Just that one time a year.

23 Q. You do this fairly regularly?

24 A. One time a year.

25 Q. With the same client?

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

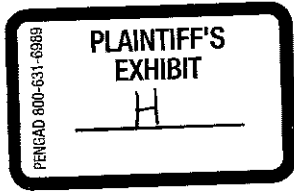
JOY SWEETING)	CIVIL ACTION NO. 04-0368
)	
Plaintiff,)	
)	
vs.)	
)	
HIGHMARK, INC.,)	Hon. Sean McLaughlin
)	
Defendant.)	

AFFIDAVIT OF JOY SWEETING

COMMONWEALTH OF PENNSYLVANIA) SS:
COUNTY OF ERIE)

Before me, the undersigned authority, a notary public, personally appeared Joy Sweeting who, being duly sworn and according to law, deposes and says that the following statements are true and correct to the best of her personal knowledge, information and belief:

1. I am the Plaintiff in the above-captioned action. My date of birth is April 22, 1938, and I was 66 years of age when I was fired from employment with the Defendant.
2. At the time of my involuntary termination, I was employed as the manager of the Defendant's HealthPlace facility, and I was personally aware of all of the other managers of the Defendant's HealthPlace facilities. I knew these individuals from the regular staff meetings which we attended, as well as from other activities related to my job duties. Because of personal interactions with each manager, I was generally aware of their ages, and of their tenure with the Defendant. At the time of my termination, I was the oldest



• **"Mostly Administrative"**

In my position as manager of HealthPlace, I was required to perform a significant amount of administrative duties, including the administration of our programs. This included contracting with various educators to teach these programs, as well as scheduling and organizing these programs, together with following up on each of the programs to assure quality. I personally instructed Ms. Swick on how to accomplish these administrative tasks, as well as the overall importance of strong administration to the success of our programs.

• **"Various Duties"**¹

I have reviewed the list of additional duties performed by Ms. Swick as described in her deposition at pp. 21-22. Each of the duties listed by Ms. Swick is a duty which I performed for many years before she became my assistant. I personally trained Ms. Swick in a number of these duties, including working with the marketing programs and recruiting. As to others of those duties, at the time she was given the position, she had little or no experience. Those duties include choosing community locations, determining staff capabilities, implementing training, re-staffing, follow up (or "babysitting") for the programs, troubleshooting (putting out fires), and quality assurance.

¹ The various duties described by Ms. Swick that make up this category are:

- ❖ Choose Community locations (i.e. sites to deliver the program)
- ❖ Determine if staff is able to manage program
- ❖ Implement training
- ❖ Work with marketing program
- ❖ Try to get people in the door
- ❖ Paperwork
- ❖ Re-staffing issues
- ❖ Basically "babysitting" the programs at each location
- ❖ Hands on/Putting out fires
- ❖ Keeping programs up and running
- ❖ Making sure the word is out there
- ❖ Insuring quality in the programs
- ❖ Insuring respect for the guidelines

HealthPlace manager working for the Defendant, and I had the longest tenure in the HealthPlace manager's position of any of Defendant's employees.

3. I have reviewed the duties and responsibilities of the Community Site Consultant position awarded to Rebecca Swick in March of 2004, both as described in Ms. Swick's deposition testimony, as well as by reviewing the position description provided by the Defendant. With respect to each job duty described therein, I am fully qualified to perform each of those functions, and I have more experience in all of the areas listed. In fact, in many areas of responsibility, I trained Rebecca Swick, and was therefore responsible for the majority of the experience which she had at the time she was awarded the position.

4. With respect to the specific duties listed, my experience in those areas at the time of my termination from the Defendant was as follows:

- **"Establish and keep on track community organizations that adopt Highmark programming"**

My experience working with community businesses and organizations in the Erie area includes direct support and regular contact in order to "keep on track" those organizations working with Highmark programs. I began that type of experience over 10 years ago, and I personally trained Rebecca Swick in this area, and introduced her to all of her contacts in the Erie Community. For many years I served on the Erie County Health Education Board, whose members represented the Erie County health educators in the non-profit area, which was a significant part of the Defendant's target customer base. Ms. Swick was never a part of this organization, and did not have those, and other significant contacts in the Erie community.

5. I have reviewed those programs which Ms. Swick says she is currently administering in her new position. These include:

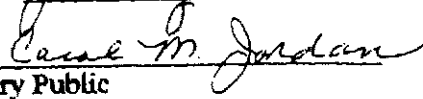
- * Personal Nutrition
- * Relaxation
- * Osteoporosis prevention
- * Smoking Cessation

6. With respect to Personal Nutrition, Relaxation and Smoking Cessation, I personally taught all of these programs for over 20 years. In my position as manager of the Erie HealthPlace, I personally administered each of these programs for 10 years. With respect to the Osteoporosis Prevention program, I was personally responsible for the administration of that program from its inception at Highmark, including contracting for instructors to teach the course. At the time of my termination, Ms. Swick had no experience administering any of these programs.

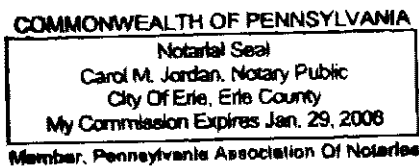
FURTHER THE AFFLIANT SAYETH NOT


Joy Sweating

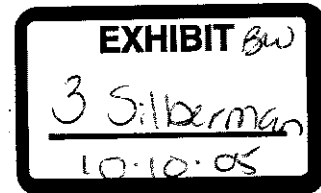
Sworn to and subscribed
to before me this 24th
day of January, 2006.


Notary Public

My Commission Expires:



July 26, 2004



Equal Employment Opportunity Commission
Pittsburgh Area Office
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

RE: Joy H. Sweeting

EEOC Charge # 172-2004-01454

To Whom It May Concern:

Please accept this letter as the confidential Position Statement of Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield ("Highmark"). Joy H. Sweeting ("Ms. Sweeting") has alleged that Highmark has discriminated against her based on age, 66, because it retained and promoted an allegedly less qualified younger female employee, Rebecca Swick, age 32. Ms. Sweeting also has alleged that Highmark discriminated against her based on her age and sex because her territory was turned over to Vickers Ward, age 42, a younger male employee who lives and works outside of the Erie area. Highmark denies that it has discriminated against Ms. Sweeting because of her age and sex or for any other reason prohibited by law.

Highmark hired Ms. Sweeting on October 17, 1994, as a HealthPLACE Administrator for the Erie HealthPLACE Center, one of the Health Education Centers in the HealthPLACE System. The centers were designed originally to offer Highmark subscribers and community residents nutrition, stress management, fitness, and health-related programs and services.

In December of 2003, Highmark announced that it would be creating a new Preventive Health Services Division effective April 2004 and appointed Anna Silberman as its vice president. As part of the reorganization, Highmark first closed its Monroeville site in December 2003 and then closed the Erie, McCandless, Greentree, Johnstown, West Mifflin, and Weirton, WV, Centers in March of 2004. Ms. Silberman eliminated the HealthPLACE Administrator positions at these locations. Four of the HealthPLACE Administrators were terminated on March 15, 2004. The Erie HealthPLACE Administrator, Ms. Sweeting, was given an opportunity to work temporarily in the Operations division in Erie until October 18, 2004, so that she could realize ten years of service and thereby qualify for retiree medical benefits.

As part of the reorganization, Ms. Silberman created a new position, "Community Site Consultant" (see Attachment No. 1), and selected Ms. Swick to fill the position based in Erie. Highmark hired Ms. Swick on February 24, 1997, as a Member Service Representative. She transferred into a new position, HealthPLACE Program Assistant, in August 2000. While a Highmark employee, Ms. Swick completed graduate school, receiving an MBA with a concentration in marketing. She received "Exceeds Expectations" on her annual reviews for



Page Two
April 26, 2004

2001, 2002, 2003, and 2004 (see Attachment No. 2). Ms. Silberman did not consider Ms. Sweeting for the Community Site Consultant position in Erie because she did not produce the results expected in a key program area. In the last two years Ms. Sweeting failed to meet the expectations of monitoring, evaluating, and producing key marketing and operational objectives. Ms. Sweeting failed to generate and report clinical outcomes, including biometric risk factor improvements and positive behavior changes with the minimum number of Highmark group accounts. Ms. Silberman did not choose Ms. Swick for the Community Site Consultant because she was younger than Ms. Sweeting. She chose Ms. Swick because she was better qualified for the position than Ms. Sweeting and eliminated the HealthPLACE Administrator position held by Ms. Sweeting because it no longer served the business needs of the organization.

As part of the reorganization, Ms. Silberman also created another position, "Worksite Consultant" (see Attachment No. 3). Mr. Vickers Ward had been functioning as a Worksite Consultant without holding that title since August 2001 servicing accounts in western and central Pennsylvania as well as national accounts. Ms. Sweeting's Erie accounts were transferred to Mr. Ward who was based in Pittsburgh. Ms. Silberman could not justify keeping this position opened in Erie since the service region did not warrant a full-time position and the HealthPLACE Administrator responsibilities had ended when the center closed. A comparison of their performance reviews helps to explain why Ms. Silberman chose to expand Mr. Ward's service region and not fill the position with Ms. Sweeting (see Attachment No. 4). Unlike Mr. Ward, who had received overall ratings of "Exceeds Expectations" for 2002 and 2003 with no documented instances of failing to meet expectations, Ms. Sweeting had several documented performance deficiencies in 2002 and 2003 (see Attachment No. 5). Most notably, her primary objective for both 2002 and 2003 was to improve the delivery and evaluation of a data-driven worksite wellness program and in both years she received a rating of "Does Not Meet Expectations." Ms. Silberman did not choose Mr. Ward because he was a younger male; she chose Mr. Ward because he was better qualified to fill the position of Worksite Consultant than Ms. Sweeting and eliminated the position of HealthPLACE Administrator because it no longer filled the needs of the reorganized division.

For these reasons, Highmark respectfully asks the Commission to dismiss Ms. Sweeting's charge of discrimination.

Sincerely,



Cynthia Mori
Human Resources Consultant

CM/cms
Enclosures

EEOC PITTSBURGH, PA
AREA OFFICE

04 JUL 26 PM 2:15

RECEIVED

JOB DESCRIPTION		AUDITED BY Sandra Slaughter	DATE March 24, 2004
JOB TITLE Community Site Consultant	DEPARTMENTAL NAME Preventive Health Services	SALARY PLAN/GRADE S04	JOB CODE 936840
FIRST LEVEL APPROVAL Managing Director, Preventive Health Services Network	SECOND LEVEL APPROVAL Vice President, Preventive Health Services	DIRECT REPORTS Nonexempt: Exempt: Total:	INDIRECT REPORTS Nonexempt: Exempt: Total:
		NUMBER OF INCUMBENTS	EXEMPTION STATUS Exempt

JOB SUMMARY

Direct responsibility for overseeing all aspects of Preventive Health Services program delivery at selected community health partner sites in Western and Central Pennsylvania including clinical, operational, and financial issues. The incumbent is responsible for developing and managing relationships with key Highmark departments to support these community-based programs. The incumbent is charged with ensuring that all network partners are delivering the Programs as specified and returning solid clinical outcomes, including biometric risk factor improvements. In addition, the position is responsible for monitoring and evaluating key marketing, operational, and financial variables identified as critical to Program viability and success. Timely and concise communications to senior management, including the Managing Director, Preventive Health Services Network, related to site issues along with suggested strategies/resolutions are of utmost importance.

With respect to site support activities this position:

- Is responsible that sites open on time, have full programs and the staff is prepared to implement the Programs.
- Ensures that standards of care and issues related to patient safety are maintained.
- Evaluates site compliance with licensing standards.
- Participates in the development and implementation of customized site marketing and advertising strategies.
- Advocates for fiscal responsibility at the designated sites.
- Designs and develops management reports to track program outcomes once site has commenced programming.
- Supports site team development by providing guidance and experience to site's program directors/administrators and coaching to team personnel.
- Is responsible for the execution of programs in accordance with standardized protocols, including data collection and reporting.
- Is responsible for site training, enrollment, outcomes and at least six site visits per year.

The person who fills this position needs to build a collegial relationship with each administrator so that the consultant is viewed as a resource to the site's success.



This position advises the Managing Director, Preventive Health Services Network, on the development, implementation and evaluation of strategies that will lead to increased clinical and cost effectiveness. Completes administrative responsibilities as assigned.

MINIMUM QUALIFICATIONS

A Bachelors Degree in or equivalent training in Clinical Practice, Liberal Arts or Business Administration is required and Clinical Practice/Business Administration is preferred. A Masters Degree in Business, Health Administration and/or Health Promotion is preferred. One (1) to three (3) years of experience in Clinical Practice, Hospital Administration or Ornish Program implementation is preferred. Five (5) to seven (7) years of experience in a health care field is required.

Other qualifications, experience, and skills include:

Successful experience in health care management to include managing budgets. Substantial experience working within a team approach and/or a flat hierarchical management system is preferred. An entrepreneurial nature and the ability to motivate people are essential.

Public speaking experience and experience mentoring, supervising and/or teaching health professionals are required. Extensive travel and flexibility are required.

PROBLEM SOLVING/LATITUDE

A substantial percentage of the responsibilities of this job is problem solving at multiple levels. There are the complex issues that arise from implementing and managing a program that holds the values of the Preventive Health Services Division where cost effectiveness and financial viability are primary. It is a constant challenge to keep clinical teams working together cooperatively. The focus on relationships, critical components of the healing process, requires maturity, healthy individual boundaries and creative flexibility. These characteristics are modeled by the individual who fills this position.

This position is responsible for a total operating budget of 200,000, premium generated indirect and revenues of 500,000.

Other Pertinent Dimensions:

- Clinical Outcomes
- Utilization Reduction
- Site Retention

ESSENTIAL JOB FUNCTIONS (each more than 10% of time)

1. Coordinate and supervise community site Program training, implementation and outcomes. (85%)
2. Projects as assigned. (15%)

MAJOR CONTACTS

INTERNAL

Contact	Purpose	Frequency
VP Product Development	Product integration	Weekly
VP Marketing/Communications	Account communication	Weekly
VP Provider Affairs	Network development	Weekly
VP/Director of Corporate Communications	Media/public relations	Weekly
VP's Marketing	Account management	Weekly
Chief Medical Officer	Clinical issues/interaction w/other Plans	Weekly
Human Resources Representatives	Staffing	Weekly
Medical Informatics Staff	Utilization data	Weekly
Legal	Contract execution	Weekly
Quality Improvement	Compliance	Monthly

EXTERNAL

Contact	Purpose	Frequency
CEO's of hospitals and executive directors of community-based agencies	Preventive health/Ornish network development/monitoring	Weekly
Blue Plan officials	Ornish Program delivery	Weekly

ENVIRONMENT

This position reports to the Managing Director, Preventive Health Services Network, along with the following positions and number of incumbents:

Position Titles	Number of Incumbents
Hospital-Based Site Consultants	6
Community-Based Site Consultants	5
Program Assistants	2
Clinical Supervisor	

This department is responsible for all issues related to implementation, training, supervising clinical services, operational materials development, data collection, analysis and dissemination, quality monitoring, and the successful operation of the Preventive Health Services Network.

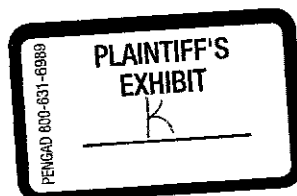
March 24, 2004

ADDITIONAL INFORMATION

This position requires the clinical and operational resourcing and application of the greater community as needed.

THIS JOB REQUIRES THE WILLINGNESS AND ABILITY TO REPORT TO WORK ON A REGULAR AND TIMELY BASIS AND MAY REQUIRE WORKING IRREGULAR HOURS, HOLIDAY AND/OR WEEKENDS.

<u>Job Title</u>	<u>Name</u>	<u>Sex</u>	<u>Date of Birth</u>
Secretary IV	Susan L. Boyle	F	1-7-56
Director of Worksite Preventive Health Services	Tina Palaggo-Toy	F	9-27-58
Worksite-Based Site Consultant	Vickers E. Ward	M	10-28-61
Worksite-Based Site Consultant	Lisa A. Holden	F	8-30-58
Worksite-Based Site Consultant	Patrick McCauley	M	5-10-70
Worksite-Based Site Consultant	Richard A. Saar	M	4-8-71
Worksite-Based Site Consultant	Mark E. Winters	M	3-6-72
Bus Admin. (Central PA)	Chris M. Klobetanz	F	3-11-56
Bus Driver (Central PA)	Glenn Franklin Campbell	M	6-10-45
Data Collection Specialist	Jason A. LaGamba	M	12-24-75
Access and Enrollment Strategist	Cathy R. Gold	F	5-12-60
Promotion and Recruitment Specialist (Part-Time)	Emily L. Burkhart	F	6-21-73
Program Development and Implementation Strategist	Anne Marie Kuchera	F	3-16-73
Managing Director, Preventive Health Services Network	Bryce C. Williams	M	1-24-67
Hospital-Based Site Consultant	Janet P. Banasak	F	10-21-46
Hospital-Based Site Consultant	Jennifer A. Grana	F	9-18-70
Hospital-Based Site Consultant	Marlene F. Janco	F	10-28-62
Hospital-Based Site Consultant	Joli A. Studley	F	11-20-69
Hospital-Based Site Consultant	Wendy Vida	F	4-8-73
Community-Based Site Consultant	Rebecca K. Swick	F	11-29-71
Community-Based Site Consultant	Leigh Ann Courtney	F	7-10-69



<u>Job Title</u>	<u>Name</u>	<u>Sex</u>	<u>Date of Birth</u>
Community-Based Site Consultant	Jill Ann Sodini	F	5-19-79
Community-Based Site Consultant	Gerald L. DeNucci	M	7-10-72
Clinical Supervisor (Part-Time)	Terri Merritt-Worden	F	11-16-62
Program Assistant	Nina R. Knauer	F	12-2-74
Program Assistant	Beverly Jo Lankes	F	6-21-54
Program Assistant	Judith M. O'Connor	F	11-1-44
Program Assistant	Carol J. Tremontin	F	9-20-43
Medical Director Corp. Community & Wellness	William Bradley Pifalo	M	8/14/51
Wellness Center Manager	Kevin L. Nauer	M	9/1/62
Secretary II	Alvera Prokich	F	9/17/35